

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 2-17, 19-21) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, Applicant would like to thank the Examiner for courtesy extending to him in an interview on July 19, 2007. During that conversation the Applicant discussed the differences between his invention and *Larsson*, U.S. Patent No. 6,347,542 in that in the present invention a characteristic of the subject material is discerned from the vibration of the striking member. In *Larsson*, the striking member strikes a subject material and characteristics of the subject material are discerned from the vibration of the subject material and not the striking member. The Examiner acknowledged that *Larsson* was different than the present invention. During the conference, the parties agreed that claim 1 should be reworded to make it technically clear. Applicant has cancelled claim 1 and added new claim 21, which better defines the invention. Claims 2-16 now depend from claim 21.

With regard to the Office Action, initially the Examiner objected to the title of the invention as being non-descriptive. Applicant has amended the title to state "STRIKING MEMBER VIBRATION MEASUREMENT DEVICE," which is believed to be more descriptive. Applicant would be willing to discuss any preferred language for the title suggested by the Examiner if this change is insufficient.

The Examiner then went on to reject the claims as 1-7 and 17 as being anticipated by *Larsson*. As pointed out above, *Larsson* does not measure the vibration of the striking member as claimed in claim 17 and new claim 21 to determine the characteristics of the struck material. Thus, it is submitted that the anticipation rejections of claims 17 and 21 under

Larsson have been overcome. The Examiner then rejected claims 8-15 and 19-20 as being obvious over *Larsson* in view of *Adinolfi*, U.S. Patent No. 5,293,000. *Adinolfi* again does not suggest the vibration of the striking member rather it measures the vibration of the struck member. Thus, it is submitted that a combination of *Larsson* and *Adinolfi* does not teach or suggest the elements of new claim 21.

Finally, the Examiner rejects claim 1 (now claim 21) as being obvious over *Larsson* in view of *Adinolfi* and further in view of European Patent No. EP 0444919. The European patent teaches a three-dimensional baton sensor to identify the location of the drum stick in an XYZ coordinate system. Again, there is no teaching or suggestion that the characteristic of the struck material is discerned from the vibration of the striking member. Consequently, it is submitted that none of the above references, either alone or in combination, teach or suggest the invention as claimed in new claim 21 and the claims dependent therefrom as well as in independent claims 17 and 19.

The Examiner requested to see the invention working in practice so as to better understand the purpose of the claimed invention. The Examiner is directed to the following web page: <http://midisticks.mysite.wanadoo-members.co.uk/> which contains a video of the drumsticks in action. General details of the product can also be seen at www.midisticks.com. Also attached is a DVD relating to the invention.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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